

Maryland Board of Pharmacy

Public Board Meeting Minutes

December 21, 2005

Attendance: John Balch, President, Jeanne Furman, Secretary, and Mark Levi, Treasurer

Commissioners: Margie Anne Bonnett, David Chason, Joseph DeMino, Donald Taylor, Rodney Taylor, Michael Souranis

Staff: LaVerne Naesea, Executive Director; Linda Bethman, Board Counsel; Chandra Mouli, Pharmacist Compliance Officer; Colin Eversley, Compliance Investigator; Shirley Costley, Licensing Manager; Patricia Gaither, Administrative Manager; Summar Goodman, Public Information & Education Officer; and Tamarra Banks, MIS Manager

Absent: Mayer Handelman and Don Yee

Guests: Carrie Assar, Melvin Rubin, Howard Schiff, Hongly La, John LaFranghse, Norman Beck, Linda Bartnyska, Claudia Schur, Ben Thankachan, William Proctor

Guest Speakers: Eleni Anagnostiadis, NABP, Ben Steffen, MHCCC and Carolyn Quattrocki, Attorney General's Office

I. Record of Conflict of Interest

President Balch called the Public Meeting to order. There were no conflict of interest declarations. Guest attendees were asked to introduce themselves (see above).

II. Corrections to Minutes 10/19/05

Page 1

- Under staff use comas after name semi-colons after title.

Page 5

- Under NABP District Meetings, 1st paragraph - 3rd sentence "staff member will also be able to attend because of the close location" *change* "due to the close location".

Page 6

-Question 2nd paragraph under Assistant Attorney General Report on FARB Conference Attendance – last section – "and process issues related to licensure discipline"

"process issues" what are we saying?

-Answer – Whether someone on suspension should have to renew their license.

change – processing issues

Page 7

- Question – under Management Information Services – New In-House Database -

"Towson University contract to develop a Board-operated database is in continued development." Does this mean the contract is still being developed?

-Answerno, we are under the contract.

-change – “work under the contract”

Page 8

-Under NABP’s Model rules for the Licensure of Wholesale Distributors – last sentence “indication that he would support Board’s position”. *change-* add, “the” after the word support. “Eight to 10 states have implemented the Model rules” *change – delete* “10 states have implemented the Model rules” and *add* “4 to 8 states have already implemented the Model rules.”

Page 9

-Under C #2 – 4th sentence – *delete* “completing” *add* “completion”.

Board Action: A motion was supported to deny the candidate reciprocity to Maryland. (who made the motion)

Board Action: Unanimous vote of approval of October 19, 2005 Minutes, with corrections.

III. President/Executive Committee Report – John Balch

A. U of M School of Pharmacy Meeting

President Balch, LaVerne Naesea, Mark Levi, and Jeanne Furman, met with the representative of the School of Pharmacy to discuss mutual interests are shared between both agencies. The Board and the School of Pharmacy are working collaboratively on the District II meeting. The next meeting will take place at the Maryland Board of Pharmacy within six months.

B. NABP District I & II Meeting

President Balch reported on attending his first NABP/AACP District I and II Joint meeting and provided comments on the value of attending NABP district and national meetings.

IV. Guest Speakers

A. Eleni Anagnostiadis/National Association of Boards of Pharmacy (NABP) and Jeanne Furman – Wholesale Distributors

1. Ms. Anagnostiadis presented: a summary of NABP’s Wholesale Distributor model language; information on NABP’s Verified Accreditation of Wholesale Distributors (VAWD) program; an assessment of Del. Stern’s proposal; and answers to questions from the Board on services that NABP could provide in helping to strengthen the regulation of wholesale distribution in this State (*A summary of the presentation is available through the Board Legislative/Regulations Unit*)

2. A draft letter was distributed to Board members for consideration for approval following the presentation:

Board Action: Mark Levi moved that the Board approve the draft letter to Delegate Stern with additional changes recommended and approved by the Board.

B. Ben Steffen/MHCCC – Mail Order Purchase Study

The Maryland Insurance Administration (MIA) and Maryland Health Care Commission (MHCC) were jointly mandated through 2005 legislation to perform a Mail Order Purchase Study in consultation with and the Maryland Board of Pharmacy. The MHCC took the lead in performing the study. Mr. Steffen provided a summary of the draft study. *(A summary of the presentation is available through the Board Legislative/Regulations Unit)*

Board Action: The Board agreed to send a letter acknowledging that it had received a briefing on the report. The Board will forward any comments on the Study to Mr. Steffen.

C. Carolyn Quattrocki – Prescription Monitoring Program

The Attorney General's Office provided the Board with a written outline of proposed legislation on the establishment of a prescription monitoring program in Maryland. Assistant Attorney, Quattrocki was invited to present information on the legislation and respond to comments from the Board members. *(A summary of the presentation is available through the Board Legislative/Regulations Unit)*

Board Action: **None taken.****IV. Executive Director's Report – La Verne Naesea**

A. Board/Staff Retreat

The Board and staff members reviewed its five year goals and strategies and voted on related amendments during the open public session of the retreat. *(A summary of the goals and strategies are available at the Board through the Executive Director.)*

B. Meeting w/DHMH Personnel Office

1. A flow chart was presented to personnel. Request for consideration of additional staff for the Compliance, Licensing, and Administrative units in preparation for passage of the Technician bill in 2006.
2. The Board is reviewing the feasibility of performing its own inspections. A report to regarding this issue has been submitted to the Principal Deputy Secretary of DHMH.

C. Pharmacy Board Move Update - Plans to move the board offices have been rescheduled for between January and March 2006.

D. District II Meeting - Jeanne Furman and Joseph DeMino

1. The District II meeting was hosted by the Washington, DC Board of Pharmacy and AACP on 10/20/05 through 10/22/05 at the Marriott Hotel. Board and staff members commuted from Baltimore to DC daily.
2. Topics included: model legislation, legal issues, identification of Pharmacy students with language/communication barriers, collaborative practice issues, the nursing boards multi-state pact, and wholesaler distributors.
3. Resolutions approved for submission to NABP at the Annual Meeting in May 2006, included: Standardization of Student Pharmacist Pre-Licensure Experience; Effective Communication Skills; The need to develop legal and environmentally safe programs for the disposal of medications.

E. PEAC Meeting - Contract Provisions

representative of PEAC met with the Board Executive Director and Fiscal Officer to discuss terms of the contract that will be renewed in January 2006. It was clarified and agreed that the Board will only reimburse PEAC for 50% of the costs for personnel salaries. The contract was amended to allow PEAC to split the functions of the full-time Director into two half-time Directors. One individual will perform program functions and fundraising, and the second position will provide clinical support.

F. Staffing Update

Recruitment has been completed for the Office Secretary III position. A temp is filling in for the Compliance Specialist who has been had long-term leave.

V. PEAC (Pharmacist Education and Assistance Committee) Client Update-

No Report

VI. Legislation and Regulation Manager Report – Anna Jeffers

A. Legislation Update

1. Del. Stern requested the Board to review a draft proposal on wholesale distribution.
2. Board Process for Legislation Review
 - a. Legislative unit will preview all the legislation every morning and notify the entire Board of all the bills that pertain to Pharmacy.
 - b. Hearing dates will be communicated to Board members.
 - c. Positions will be submitted to Governmental Affairs on Friday mornings.

- d. If there is no time for the full Board to vote on legislative positions, bills will be presented at Practice Committee meetings as time allows.
- e. Board members should submit comments on bills to Mark Levi or Don Taylor Wednesday's a week before the bill is to be heard, if possible.
- f. The Practice Committee (or Mark Levi/Don Taylor) will prepare the Board's position based on comments received.
- g. In the event that comments are not received before a position is due, Mr. Levi and/or Mr. Taylor will prepare a Board position based on prior Board direction and positions.
- h. DHMH's Department of Governmental Affairs will need to review final formal position paper and letters prior to the hearing dates.
- i. Position papers will be approved by DHMH on Fridays or three (3) days before the hearing.

Board Action: Motion made by Jeanne Furman and seconded by Mark Levi was approved by the full Board to accept the Board Process for commenting on legislative bills.

B. *Regulations Update*

- 1) COMAR 10.34.32 - Pharmacist Administration of Influenza Vaccinations

Emergency Regulations will be published in the *Maryland Register* on December 23, 2005 with an effective date retroactive to December 16, 2005.

- 2) COMAR 10.34.33 - Restrictions on the Sale of Pseudoephedrine

Regulations will be published in the Maryland Register January 6, 2006. The Committee on Joint Administrative Executive and Legislative Review (AELR) questioned the age limit on the sale of pseudoephedrine to persons 18 years and older. The Board's Counsel will research the issue.

Board Action: Motion made by Mark Levi and seconded by Don Taylor was approved by the full Board to amend the proposed regulations to remove the age restriction if required.

C. *Prescription Drug Repository Task Force*

The first meeting was held by conference call December 15, 2006. Commissioner Don Taylor was elected Chair and the draft interim report was approved for submission to the legislature. (*A copy of the Interim report may be obtained through the Board Legislative/Regulations Unit*)

D. *Letters to the Board*

- 1. The Board was notified that Judge John Fader plans to propose an amendment to CR §5-702 because it prohibits pharmacists from licensure

if they have been convicted of a felony in a criminal court of substituting prescription medications.

Board Action: The Board will send a letter to Judge Fader to acknowledge and thank him for sharing his intentions.

VII. Administration and Public Support – Pat Gaither

A. *Flower mart - Summar Goodman*

The Maryland Board of Pharmacy will participate in the two-day 89th Annual Flower mart would take place on May 5, 2006. The theme is “Baltimore’s Bee...utiful Bouquet” and the colors are yellow and black. The contract will be signed in January 2006 with an estimated cost of \$200.

B. *Teamwork Day*

The staff celebrated Teamwork day on December 5, 2006 with a breakfast. Team-building exercises were conducted in an effort to boost morale and strengthen the concept of staff members working together.

C. *Board Protocols*

Updated Board Protocols were distributed to members in their Board packets.

D. *Emergency Preparedness*

1. *CEPAR - Hospital Emergency Drug Distribution Funded Project*

The Board prepared a letter of support t for the project to apply for acontinuation grant from the Department of Health and Mental Hygiene. Dr. Hsu who is in charge of the project, has not yet confirmed receipt of the grant and BOP is awaiting a 2006-meeting schedule.

2. *Harbor Base III*

This statewide drill, which was created to test the Emergency Preparedness plans of various local and state agencies, was conducted November 14 though November 16, 2006. The Health Boards’ volunteers were not called upon to provide volunteers. Don Taylor was deployed as the on-site Board pharmacist representative at the Maryland Emergency Management Agency (MEMA) and provided advice regarding the stockpile.

3. *Certificate of Recognition*

President Balch presented Summar Goodman with a Certificate, issued by Secretary Anthony McCann, in recognition for her efforts and commitment during the Hurricane Katrina Disaster.

E. Board Newsletter

1. The fall newsletter was mailed the week before the Board meeting. Extra copies are available.
2. The Winter Newsletter will be issued in January.

VIII. Committee Reports

A. Practice Committee

1. Drug Therapy Management Joint Committee - The committee sent a letter to the applicants to request additional information and clarification regarding the Physician/ Pharmacist Agreement – Thrombosis Protocol, and is awaiting a response.
2. Regulations
 - a. The Emergency Influenza Administration and Pseudoephedrine regulations have been submitted for publication in the *Maryland Register* for adoption and comments, respectively.
 - b. Conscience Clause - The committee constructed language for the Board to use as a “position statement” indicating that the Permit Holder must ensure the right and ability of a patient to have reasonable access to medication.”

Board Action: The Board accepted the proposed Conscience Clause language as its position.

3. USP 797 Committee - Committee work is completed and a draft report will be presented at the next Practice Committee meeting.
4. Questions to the Board

- a. Maryland Licensure requirements for European and out-of-state Distributors

Brokers are required to have a distributor permit if their company is involved in the distribution of drugs into or out of Maryland. The entity actually handling the drugs would also be required to have a permit. There is no grace period requirement.

- b. Requirements Regarding Nursing Homes Providing Patient Medications to Patients During Home Visits.

A Long Term Care pharmacy is required to properly label the medicine and provides instructions when the medication is dispensed. When

sending the medications home with the patient, it is up to the facility to insure that the labeled meds and instructions are sent with patient.

Board Action: Dave Cason moved and Rodney Taylor seconded the motion to accept the recommended responses to the Questions to the Board as submitted by the Practice Committee. The motion was accepted by the full Board.

B. Disciplinary Committee – No report from Mayer Handelman

C. Licensing Committee – Joe DeMino

1. November Statistics – Included in Board Packets
2. Influenza Regulations - The committee submitted to the Board registration requirements for the administering of the influenza vaccination. The Licensing Unit will develop the registration form based on the requirements. There were no provision in the regulations to have a registration fee. The name and contact information of physician who has signed Protocol is not required.”

Board Action: The Board approved adoption of registration requirements as submitted by the Licensing Committee.

D. Approval Waiver & Mail Order Pharmacies

The Licensing Unit presented mail order and compounding veterinary pharmacies applications for approval. Board Counsel suggested that documentation be requested to determine compliance with USP 797.

Board Action: The Board voted approved to request documentation from non-resident/internet pharmacies to see if they are in compliance with USP 797.

Board Action: The Board voted that a waiver is not permitted to operate a full service Pharmacy but a application will need to be submitted to operate as a full service pharmacy.

E. School of Pharmacy Syllabus

The syllabus regarding the vaccine administration course was submitted from the School of Pharmacy for approval by the Board.

Board Action: The Board voted approve to School of Pharmacy ten (10) hour course as fulfilling the educational requirement in the immunization regulations.

F. Hospital Pharmacy Inspection Form

Board Action: The Board voted to approve the Hospital Pharmacy Inspection Form.

Next step will be to forward the inspection form to drug control.

Meeting was adjourned at 1:00 p.m.